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UNFAIR COMPETITION

STEVEN E. KAHM  
KIMBERLY S. ZILLIG  
KEVIN W. CYR

April 7, 2000

Our Case Docket No. 980457.ORI

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## BOX PATENT APPLICATION

The Commissioner of Patents and Trademarks  
Washington, D. C. 20231

Jc135 U.S. PTO  
09/545536  
04/07/00

Sir:

Enclosed herewith for filing is the patent application of inventors, RODNEY W. SALO, KENNETH LLOYD BAKER, and LAWRENCE S. BAUMANN, for "CARDIAC RHYTHM MANAGEMENT SYSTEM WITH OPTIMIZATIN OF CARDIAC PERFORMANCE USING HEART RATE" together with the following:

- (1) One copy of nine (9) sheets of patent drawings;
- (2) The Declaration, Power of Attorney and Petition unexecuted by the inventors;
- (3) The filing and recording fees are calculated as follows:

Basic filing fee	\$ 690.00
Total number of claims in excess of 20, times \$18.00 . . . . .	\$ 0
Number of independent claims, minus 3, times \$78.00 . . . . .	\$ 0
Surcharge fee (\$260.00) for filing of multiple dependent claim(s) . .	\$ 0
Recording fee for assignment	\$ 0
Total	\$ 690.00

A check in the amount of \$690.00 is enclosed to cover the filing and recording fees thereon.

The Commissioner is authorized to charge any fees or refund any overpayment under 37 C.F.R. 1.16 and 1.17 which may be required by this paper to Deposit Account No. 08-1265.

Yours very truly,

NIKOLAI, MERSEREAU & DIETZ, P.A.

*Kevin W. Cyr*

Kevin W. Cyr  
Attorney for Applicants  
Attorney Registration No. 40,976

KWC/acl  
Encs.

09/545536 . 04/07/00

Express Mail No. EL504377502US

PATENT APPLICATION

Docket No. 980457.ORI

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re App : RODNEY W. SALO, ET AL. : April 7, 2000  
For : CARDIAC RHYTHM MANAGEMENT SYSTEM WITH  
OPTIMIZATION OF CARDIAC PERFORMANCE USING HEART  
RATE  
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**CERTIFICATE OF MAILING VIA EXPRESS MAIL**

BOX PATENT APPLICATIONS  
Commissioner of Patents and Trademarks  
Washington, D. C. 20231

Sir:

I hereby certify that the attached patent application consisting of twenty-three (23) pages of specification, thirteen (13) pages of claims, abstract, one (1) copy of nine (9) sheets of patent drawings, two (2) pages of an unexecuted Declaration, Power of Attorney, and Petition, a transmittal cover letter, and a check in the amount of \$690.00 in payment of the filing and recording fees, are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and are addressed to: BOX PATENT APPLICATIONS, Commissioner of Patents and Trademarks, Washington, D. C. 20231, under Express Mail Post Office to Addressee Label No. EL504377502US.

Respectfully submitted,

NIKOLAI, MERSEREAU & DIETZ, P.A.

*Anna C. Lemke*

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On Behalf of Kevin W. Cyr  
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